

UNITED STATES DISTRICT COURT

for the
District of Arizona

In the Matter of the Search of

Case No.

22-0393MB

Information associated with the cellular telephone assigned call number (619) 787-5333, that is stored at premises controlled by Verizon Wireless.

SEARCH AND SEIZURE WARRANT

To: Any authorized law enforcement officer

An application by a federal law enforcement officer or an attorney for the government requests the search of the following person or property located in the District of New Jersey:

As further described in Attachment A.

I find that the affidavit(s), or any recorded testimony, establish probable cause to search and seize the person or property described above, and that such search will reveal:

As set forth in Attachment B.

YOU ARE COMMANDED to execute this warrant on or before 1/2/23 (not to exceed 14 days)
☐ in the daytime 6:00 a.m. to 10:00 p.m. ☒ at any time in the day or night as I find reasonable cause has been established.

Unless delayed notice is authorized below, you must give a copy of the warrant and a receipt for the property taken to the person from whom, or from whose premises, the property was taken, or leave the copy and receipt at the place where the property was taken.

The officer executing this warrant, or an officer present during the execution of the warrant, must prepare an inventory as required by law and promptly return this warrant and inventory to any United States Magistrate Judge on duty in the District of Arizona.

N/A ☐ Pursuant to 18 U.S.C. § 3103a(b), I find that immediate notification may have an adverse result listed in 18 U.S.C. § 2705 (except for delay of trial), and authorize the officer executing this warrant to delay notice to the person who, or whose property, will be searched or seized (check the appropriate box)

☐ for _____ days (not to exceed 30) ☐ until, the facts justifying, the later specific date of _____.

Date:

December 19, 2022 @ 2 pm

Michelle Burns
 Judge's signature

City and state: Phoenix, Arizona

Honorable Michelle H. Burns, U.S. Magistrate Judge
 Printed name and title

ATTACHMENT A

Property to Be Searched

This warrant applies to records and information associated with the cellular telephone assigned call number (619) 787-5333, (“**Target Telephone**”), that are stored at premises controlled by Verizon Wireless (“the Service Provider”), headquartered at 180 Washington Valley Road, Bedminster, NJ 07921.

ATTACHMENT B

Particular Things to be Seized

I. Information to be Disclosed by the Service Provider

To the extent that the information described in Attachment A is within the possession, custody, or control of the Service Provider, including any information that has been deleted but is still available to the Service Provider or that has been preserved pursuant to a request made under 18 U.S.C. § 2703(f), the Service Provider is required to disclose to the government the following information pertaining to the Account listed in Attachment A for the time period May 1, 2021 to March 1, 2022:

- a. The following information about the customers or subscribers of the Account:
 - i. Names (including subscriber names, user names, and screen names);
 - ii. Addresses (including mailing addresses, residential addresses, business addresses, and e-mail addresses);
 - iii. Local and long distance telephone connection records;
 - iv. Records of session times and durations, and the temporarily assigned network addresses (such as Internet Protocol (“IP”) addresses) associated with those sessions;
 - v. Length of service (including start date) and types of service utilized;
 - vi. Telephone or instrument numbers (including MAC addresses, Electronic Serial Numbers (“ESN”), Mobile Electronic Identity Numbers (“MEIN”), Mobile Equipment Identifier (“MEID”); Mobile Identification Number (“MIN”), Subscriber Identity Modules (“SIM”), Mobile Subscriber Integrated Services Digital Network Number (“MSISDN”); International Mobile Subscriber Identity Identifiers (“IMSI”), or International Mobile Equipment Identities (“IMEI”);

- vii. Other subscriber numbers or identities (including the registration Internet Protocol (“IP”) address); and
 - viii. Means and source of payment for such service (including any credit card or bank account number) and billing records.
- b. All records and other information (not including the contents of communications) relating to wire and electronic communications sent or received by the Account, including:
- i. the date and time of the communication, the method of the communication, and the source and destination of the communication (such as the source and destination telephone numbers (call detail records), email addresses, and IP addresses); and
 - ii. information regarding the cell tower and antenna face (also known as “sectors”) through which the communications were sent and received as well as per-call measurement data (also known as the “real-time tool” or “RTT” data).

II. Information to be Seized by the Government

All information described above in Section I that constitutes evidence of violations of 18 U.S.C. §924 (a)(1)(A), False Statement during the Purchase of a Firearm; and, 18 U.S.C. §922 (a)(1)(A), Dealing Firearms without a License, have been committed, are being committed, and will be committed by Norman Jeffrey FRENCH during the period May 1, 2021 to March 1, 2022.

Law enforcement personnel (who may include, in addition to law enforcement officers and agents, attorneys for the government, attorney support staff, agency personnel assisting the government in this investigation, and outside technical experts under government control) are authorized to review the records produced by the Provider in order to locate the things particularly described in this Warrant.

UNITED STATES DISTRICT COURT

for the
District of Arizona

In the Matter of the Search of

Case No. 22-0393MTBInformation associated with the cellular telephone assigned call number **(619) 787-5333**, that is stored at premises controlled by Verizon Wireless.

APPLICATION FOR A SEARCH WARRANT

I, Felix Osorio-Ruiz, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property:

As further described in Attachment A

This court has authority to issue this warrant under 18 U.S.C. §§ 2703(c)(1)(A) and 2711(3)(A).

located in the District of New Jersey, there is now concealed:

As set forth in Attachment B.

The basis for the search under Fed. R. Crim. P. 41(c) is *(check one or more)*:

- ☒ evidence of a crime;
☐ contraband, fruits of crime, or other items illegally possessed;
☐ property designed for use, intended for use, or used in committing a crime;
☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code/Section	Offense Description
18 U.S.C. §924 (a)(1)(A)	False Statement During the Purchase of a Firearm
18 U.S.C. §922 (a)(1)(A)	Dealing Firearms without a License

The application is based on the facts contained in the attached Affidavit of Felix Osorio-Ruiz.

- ☒ Continued on the attached sheet.
☐ Delayed notice of __ days is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Reviewed by AUSA Addison SantomeDigitally signed by ADDISON
SANTOME
Date: 2022.12.19 12:21:34 -07'00'FELIX OSORIO-RUIZ

Applicant's Signature

Felix Osorio-Ruiz, Special Agent with the Bureau of
Alcohol, Tobacco, Firearms and Explosives

Printed name and title

Sworn to before me telephonically and signed digitally.

Date:

December 19, 2022

Judge's signature

City and state: Phoenix, ArizonaHonorable Michelle H. Burns, U.S. Magistrate Judge

Printed name and title

ATTACHMENT A

Property to Be Searched

This warrant applies to records and information associated with the cellular telephone assigned call number (619) 787-5333, (“**Target Telephone**”), that are stored at premises controlled by Verizon Wireless (“the Service Provider”), headquartered at 180 Washington Valley Road, Bedminster, NJ 07921.

ATTACHMENT B

Particular Things to be Seized

I. Information to be Disclosed by the Service Provider

To the extent that the information described in Attachment A is within the possession, custody, or control of the Service Provider, including any information that has been deleted but is still available to the Service Provider or that has been preserved pursuant to a request made under 18 U.S.C. § 2703(f), the Service Provider is required to disclose to the government the following information pertaining to the Account listed in Attachment A for the time period May 1, 2021 to March 1, 2022:

- a. The following information about the customers or subscribers of the Account:
 - i. Names (including subscriber names, user names, and screen names);
 - ii. Addresses (including mailing addresses, residential addresses, business addresses, and e-mail addresses);
 - iii. Local and long distance telephone connection records;
 - iv. Records of session times and durations, and the temporarily assigned network addresses (such as Internet Protocol (“IP”) addresses) associated with those sessions;
 - v. Length of service (including start date) and types of service utilized;
 - vi. Telephone or instrument numbers (including MAC addresses, Electronic Serial Numbers (“ESN”), Mobile Electronic Identity Numbers (“MEIN”), Mobile Equipment Identifier (“MEID”); Mobile Identification Number (“MIN”), Subscriber Identity Modules (“SIM”), Mobile Subscriber Integrated Services Digital Network Number (“MSISDN”); International Mobile Subscriber Identity Identifiers (“IMSI”), or International Mobile Equipment Identities (“IMEI”);

- vii. Other subscriber numbers or identities (including the registration Internet Protocol (“IP”) address); and
- viii. Means and source of payment for such service (including any credit card or bank account number) and billing records.
- b. All records and other information (not including the contents of communications) relating to wire and electronic communications sent or received by the Account, including:
 - i. the date and time of the communication, the method of the communication, and the source and destination of the communication (such as the source and destination telephone numbers (call detail records), email addresses, and IP addresses); and
 - ii. information regarding the cell tower and antenna face (also known as “sectors”) through which the communications were sent and received as well as per-call measurement data (also known as the “real-time tool” or “RTT” data).

II. Information to be Seized by the Government

All information described above in Section I that constitutes evidence of violations of 18 U.S.C. §924 (a)(1)(A), False Statement during the Purchase of a Firearm; and, 18 U.S.C. §922 (a)(1)(A), Dealing Firearms without a License, have been committed, are being committed, and will be committed by Norman Jeffrey FRENCH during the period May 1, 2021 to March 1, 2022.

Law enforcement personnel (who may include, in addition to law enforcement officers and agents, attorneys for the government, attorney support staff, agency personnel assisting the government in this investigation, and outside technical experts under government control) are authorized to review the records produced by the Provider in order to locate the things particularly described in this Warrant.

**AFFIDAVIT IN SUPPORT OF
AN APPLICATION FOR A SEARCH WARRANT**

I, Felix Osorio-Ruiz, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I make this Affidavit in support of an application for a search warrant for information associated with a cellular telephone assigned call number (619) 787-5333, (“**Target Telephone**”), which is stored at premises controlled by Verizon Wireless (“the Service Provider”), a wireless telephone service provider headquartered at 180 Washington Valley Road, Bedminster, NJ 07921. The information to be searched is described in the following paragraphs and in Attachment A. This Affidavit is made in support of an application for a search warrant under 18 U.S.C. § 2703(c)(1)(A) to require the Service Provider to disclose to the government copies of the information further described in Section I of Attachment B. Upon receipt of the information described in Section I of Attachment B, government-authorized persons will review the information to locate items described in Section II of Attachment B.

2. I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), and have been since September 2020. I graduated from the Federal Law Enforcement Training Center (FLETC) in Glynnco, Georgia. I completed both the Criminal Investigator Training Program and Special Agent Basic Training. My duties and responsibilities include conducting criminal investigations of individuals and entities for possible violations of federal laws, particularly those laws found in Title 18, 21, and 26 of the United States Code (U.S.C.). Pursuant to 18 U.S.C. § 3051, I am empowered to enforce the criminal laws of the United States. I am currently assigned to the Los Angeles Field Division, El Centro Field Office, Yuma Satellite Office.

3. The facts in this Affidavit come from my personal observations, my training and experience, and information obtained from other agents and witnesses. This Affidavit

is intended to show merely that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

4. Based on the facts set forth in this Affidavit, there is probable cause to believe that violations of 18 U.S.C. §924 (a)(1)(A), False Statement during the Purchase of a Firearm; and, 18 U.S.C. §922 (a)(1)(A), Dealing Firearms without a License, have been committed, are being committed, and will be committed by Norman Jeffrey French (FRENCH). There is also probable cause to search the information described in Attachment A for evidence of these crimes as further described in Attachment B.

PROBABLE CAUSE

5. In January 2022, your Affiant became aware of a significant number of firearms being purchased by Norman Jeffrey FRENCH, a United States Citizen. Further investigation revealed FRENCH purchased approximately thirty-three (33) firearms between June 2021 and February 2022. These purchases were made from several out of state Federal Firearms Licensees (FFLs) and transferred to be picked up at FFLs in the Yuma, Arizona area. Many of the firearms purchased were of similar make and model.

6. Based on a review of invoices, FRENCH has spent approximately \$20,118.00 on firearms between June 2021 and February 2022. A records check revealed that FRENCH has no reported earnings in the last year in Arizona or California.

Review of ATF Form 4473 and Invoices

7. Your Affiant knows that dealers, who are Federal Firearm Licensees (FFL), are licensed under and required by Chapter 44 to complete and maintain an ATF Form 4473, Firearm Transaction Record, for all firearms sold. A purchaser of a firearm from an FFL is required to fill out the ATF Form 4473 that requests basic biographical information, including the current address for the individual's residence, and requires the individual to truthfully answer a series of questions regarding the firearm purchase.

8. During each of the transactions, FRENCH completed a Firearms Transactions Record, known as ATF Form 4473. Additionally, he presented an Arizona

Identification Card and Arizona Concealed Weapons Permit. FRENCH provided each FFL with the **Target Telephone** as his contact number. In Section E, under Block 32, the **Target Telephone** is listed as a contact number for FRENCH.

9. Your Affiant reviewed the following ATF Form 4473's for all the transactions listed below. For each transaction, FRENCH completed Section B of the ATF Form 4473. Under Question 10 (Section B), entitled, "Current State of Residence and Address," FRENCH wrote down, "2591 Diamond Spur St, Kingman, AZ" ("Kingman Address").

10. FRENCH then certified his responses in Section B, by signing in Block 22. Block 22 is where the transferee is advised that any false information on the ATF Form 4473 is a felony offense. Transferees are also warned that "repetitive purchase of firearms for the purpose of resale for livelihood and profit without a Federal Firearms license is a violation of Federal law." FRENCH signed the Form 4473, affirming that the information he provided on the form is "true, correct and complete."

Date of Transfer	FFL	Number of Firearms
6/2/21	C-A-L Ranch Store	1
6/2/21	Sportsman's Warehouse	2
6/2/21	Sprague's Sports	1
6/18/21	The Gun Shop Inc.	1
7/10/21	Sportsman's Warehouse	2
8/4/21	Sprague's Sports	1
8/9/21	C-A-L Ranch Store	1
10/6/21	C-A-L Ranch Store	1

10/8/21	Sportsman's Warehouse	2
10/20/21	C-A-L Ranch Store	1
10/20/21	Sportsman's Warehouse	2
10/22/21	The Gun Shop Inc.	1
10/23/21	The Gun Shop Inc.	3
11/6/21	C-AL Ranch Store	1
11/17/21	C-A-L Ranch Store	1
11/22/21	C-A-L Ranch Store	2
12/8/21	C-A-L Ranch Store	2
12/27/21	C-A-L Ranch Store	2
1/19/22	C-A-L Ranch Store	1
1/26/22	C-A-L Ranch Store	2
2/3/22	C-A-L Ranch Store	3

11. Additionally, your Affiant reviewed the invoice order forms associated with transactions from November 2021 to February 2022. The invoices list the Kingman address, **Target Telephone**, and email jefffrenchphotos@gmail.com associated with the purchases. On November 16, 2021, and February 1, 2022, instead of the Kingman address, FRENCH lists an address of 1137 Gem Ln, Ramona, CA 92065 ("California Address") on the invoice order forms.

Contact with FRENCH

12. On February 3, 2022, ATF was alerted that FRENCH was picking up firearms from C-A-L Ranch Stores, Yuma AZ. ATF observed FRENCH walk out of the C-A-L Ranch Store with firearm boxes in his arms and to his vehicle.

13. Surveillance observed FRENCH travel from the C-A-L Ranch Store to a Border Patrol Checkpoint located in Pine Valley, CA. While at the checkpoint, ATF interviewed FRENCH.

14. Prior to questioning, FRENCH was read his *Miranda* rights.

15. Agents questioned FRENCH about why he purchases multiple firearms of the same make and model. FRENCH responded that he sells these firearms at gun shows in Yuma, AZ for profit. FRENCH stated he purchased approximately 6-12 firearms in the past few months and profited a couple hundred dollars off each sale.

16. Agents questioned FRENCH as to where he was currently driving. FRENCH stated he was on his way to visit his son in Santa Ysabel, California and then drive home to Kingman, Arizona. FRENCH stated the firearms he picked up at C-A-L Ranch Store were going home with him to Kingman, AZ after visiting his son. FRENCH identified David Lackey, a close friend, as the property owner of the Kingman address. FRENCH stated he pays \$500 a month for rent at the residence.

17. Agents asked FRENCH why his vehicle was still registered in the State of California. FRENCH stated the Arizona Department of Motor Vehicles would require him to turn in his California Commercial license to apply for an Arizona Driver's license to be able to register his vehicles in Arizona. When asked where he receives his mail, FRENCH stated in Santa Ysabel, California.

18. When questioned about his income, FRENCH stated he receives approximately \$1,100 a month for his Social Security. ATF confronted FRENCH with how he can purchase all his firearms with just his Social Security. FRENCH stated he uses his savings to cover for his firearm purchases.

19. FRENCH was questioned about the California address listed on his invoice order forms from November 16, 2021, and February 1, 2022. FRENCH stated at the time of the firearm order he did not have sufficient funds for the firearms. FRENCH stated his

friend, Ms. Mari Delph (Ms. Delph), paid for the firearms. FRENCH stated he listed Ms. Delph's address and reimbursed her for the firearms.

20. FRENCH's vehicle was searched at the Border Patrol checkpoint. Inside the vehicle, ATF observed six (6) firearms, a California Commercial Driver's license, a Nevada Seasonal Resident ID, an Arizona Identification Card, boxes of ammunition, firearm invoice order forms, FFL receipts, USPS mail labeled with FRENCH's P.O. Box #263 Santa Ysabel, CA, FRENCH's Birth Certificate, and fake prop U.S. currency bill.

21. Agents seized the firearms as evidence. FRENCH was given a receipt for property. FRENCH provided Agents with **Target Telephone** number where he could be reached at.

Records Checks on FRENCH

22. As part of the investigation, ATF reviewed the Automated Firearm System for firearms registered in the State of California for FRENCH. Records show FRENCH has over 200 records on file in the State of California ranging from the year 1979-2021. ATF also observed certain firearms FRENCH registered in the State of California, were originally purchased in the State of Arizona.

23. Records also show FRENCH has private party transfer transactions in the State of California with the same firearms purchased in Arizona. This pattern suggest FRENCH is purchasing firearms in Arizona and reselling the firearms in California for profit. It also suggests that FRENCH is using a false address in the State of Arizona, transporting the firearms to an FFL in Ramona, CA, and conducting private party transfers with firearms the State of California considers off-roster. The State of California maintains a list of handguns that can be legally purchased by the public. Off-roster firearms are not available for purchase to the public and can only be purchased by some members of law enforcements, such as Police Officers or Sheriff's.

Interviews at FFL Firearms Supply Co & SoCal Gunbroker

24. On or about February 15, 2022, ATF identified two FFLs in Ramona, CA where FRENCH did most of his private party transfers. ATF met with FFL Firearm Supply Co store employee, Barry Heath (Heath). Heath was an associate of FRENCH and has known FRENCH for a long time. Heath stated FRENCH was a local that resided in Santa Ysabel, CA. Heath stated he had a private party transfer with FRENCH for a Sig Sauer pistol in the past. ATF confronted Heath if he ever questioned FRENCH how he manages to bring in firearms that are considered off-roster in the State of California to the FFL. Heath stated so long he does a legal private party transfer he does not ask questions.

25. Later the same day, ATF met with SoCal Gunbroker store manager (s), Ms. Delph, and Kirk Delph (Mr. Delph). Ms. Delph stated FRENCH lives in Santa Ysabel, CA but is in the process of moving to Kingman, AZ. Ms. Delph stated FRENCH currently has three (3) firearms that were in an online auction on GunBroker.com and fourteen (14) firearms on consignment.

26. Ms. Delph provided ATF with a copy of their Acquisition and Disposition book which revealed FRENCH listed the Kingman Address for each firearm left at the FFL. Ms. Delph also stated FRENCH provided her with an Arizona Driver's license paper copy of his license with the Kingman Address listed.

27. ATF explained to both FFL store managers that they would be seizing any firearm(s) that were on consignment or in the private party transfer process belonging to FRENCH. Both FFL stores were provided with a receipt of property for FRENCH's firearms

28. After this interview, your Affiant conducted records check on Ms. Delph, which showed her personal residence address listed as 1137 Gem Ln, Ramona, CA. This is the same address FRENCH listed on his invoice order forms for November 16, 2021, and February 1, 2022.

Interview of David Lackey

29. On February 17, 2022, ATF met with David Lackey, the property owner of the Kingman Address. Lackey is a known associate of FRENCH. Lackey advised ATF that FRENCH does not live at the residence and that he occasionally visits for a day or two. Lackey identified his wife, Candace Lackey, and daughter, as the only people to reside at the residence.

30. Lackey stated there is a guest room where he allows FRENCH to stay. Lackey stated when FRENCH would visit, he would bring enough clothes that lasts him a day or two. Lackey further stated FRENCH does not pay any rent or utility bills and still resides in California but is in the process of moving to Kingman, AZ.

31. Lackey stated FRENCH has been trying to get himself established in Kingman, AZ but has been unsuccessful. Lackey further stated FRENCH spends a lot of his time in California and occasionally in Las Vegas, NV.

32. ATF asked Lackey if FRENCH receives any mail at the residence in which he stated FRENCH does receive mail but asks for it be shipped to his P.O Box #263 in Santa Ysabel, CA. This suggests FRENCH does not in fact live at the Kingman Address and still resides in Santa Ysabel, CA.

33. Lackey gave consent to ATF to have his cellular telephone searched by signing an ATF Consent to Search form. The review of Lackey's phone revealed text messages from FRENCH that involved the selling of firearms and ammunition. ATF further observed FRENCH text messaging Lackey instructions to send mail that arrives to the Kingman Address to his Po Box #263 in Santa Ysabel, CA. In addition, FRENCH sent Lackey a photo of an address, 2222 S. 4th Ave, Yuma, AZ, to also send his mail to. Records check revealed the address to be the United States Postal Service located in Yuma, Arizona.

34. Lackey further stated he has done a private party transfer with FRENCH at an FFL in Ramona, CA in the past for a Sig Sauer pistol. Lackey also stated FRENCH contacted him to warn him that ATF was coming to speak with him. FRENCH advised

Lackey not to tell ATF of any firearms he purchased from him. Lackey stated FRENCH was worried the volume of firearms he was selling to be a problem.

35. ATF explained to Lackey they will be seizing any firearms he purchased from FRENCH for evidence. Lackey wished to abandon the firearms by signing an ATF Consent to Forfeiture of Property Form.

Bayou Gun Runner, Armslist, & Gunbroker Records

36. On or about March 27, 2022, your Affiant reviewed records from Bayou Gun Runner, an online firearms marketplace, pertaining to FRENCH.

37. Records show invoice order #16478398 associated with FRENCH dated on 1-25-2022, with a ship and bill to address listed as the Kingman Address and phone number on account listed as the **Target Telephone**.

38. Your Affiant also observed FRENCH purchased one (1) M4/M16 FA/ Burst third hole jig, U.S. made Colt, DPMS REMIN. The Bayou Gun Runner website states the company will not deliver the item to CA unless you are a current Federal Firearm Licensee holder. FRENCH had the item shipped to the Kingman Address.

39. On or about April 19, 2022, your Affiant reviewed records from Armslists, an online firearms marketplace, pertaining to FRENCH.

40. Records show the account information lists username "vegas58," along with email address jefffrenchphotos@gmail.com. The location on the account is listed as California and phone number as the **Target Telephone**.

41. Under Subscription information, your Affiant observed FRENCH listed a 30012 Old highway 395, Escondido, CA address. Additional records check reveal FRENCH having email conversations where he identifies his place of residence to be Ramona, CA and Las Vegas, NV and provides the **Target Telephone**.

42. On or about June 28, 2022, your Affiant reviewed records from Gunbroker, an online marketplace for firearms and hunting/shooting accessories, pertaining to FRENCH.

43. Records show the account information lists username “vegas58,” and email address jefffrenchphotos@gmail.com. The name on the account is listed as FRENCH with telephone number as the **Target Telephone**.

44. Additional records check revealed FRENCH has multiple orders where he lists the Kingman Address along with the 1137 Gem Ln, Ramona CA address, and Po Box #263, Santa Ysabel, CA address.

45. ATF received a Multiple Sale Summary, dated 3-7-2022, associated to FRENCH. ATF observed a Colt Combat Commander 9-millimeter (mm) pistol FRENCH originally purchased at C-A-L Ranch Store, Yuma AZ, was involved in a multiple sale by an individual in Fort Collins, CO from FFL USA Liberty Arms also located in Fort Collins, CO. This suggest FRENCH is involved in auctioning firearms on the internet using websites such as, but not limited to, Gunbroker or Armlist.

46. In my training and experience, I have learned that the Service Provider is a company that provides cellular telephone access to the general public. I also know that providers of cellular telephone service have technical capabilities that allow them to collect and generate information about the locations of the cellular telephones to which they provide service, including cell-site data, also known as “tower/face information” or “cell tower/sector records.” Cell-site data identifies the “cell towers” (i.e., antenna towers covering specific geographic areas) that received a radio signal from the cellular telephone and, in some cases, the “sector” (i.e., faces of the towers) to which the telephone connected. These towers are often a half-mile or more apart, even in urban areas, and can be 10 or more miles apart in rural areas. Furthermore, the tower closest to a wireless device does not necessarily serve every call made to or from that device. Accordingly, cell-site data provides an approximate location of the cellular telephone but is typically less precise than other types of location information, such as E-911 Phase II data or Global Positioning Device (“GPS”) data.

47. Based on my training and experience, I know that the Service Provider can collect cell-site data about the **Target Telephone**. I also know that wireless providers such as the Service Provider typically collect and retain cell-site data pertaining to cellular phones to which they provide service in their normal course of business in order to use this information for various business-related purposes.

48. A Preservation Request was sent to the service provider Verizon Wireless for **Target Telephone**. The formal request was for the preservation of all stored communications, records, and other evidence currently in their possession regarding **Target Telephone** that range from May 2021 to March 2022.

49. Based on my training and experience, I know that Verizon also collects per-call measurement data, which Verizon also refers to as the “real-time tool” (“RTT”). RTT data estimates the approximate distance of the cellular device from a cellular tower based on the speed with which signals travel between the device and the tower. This information can be used to estimate an approximate location range that is more precise than typical cell-site data.

50. Based on my training and experience, I know that wireless providers such as the Service Provider typically collect and retain information about their subscribers in their normal course of business. This information can include basic personal information about the subscriber, such as name and address, and the method(s) of payment (such as credit card account number) provided by the subscriber to pay for wireless telephone service. I also know that wireless providers such as the Service Provider typically collect and retain information about their subscribers’ use of the wireless service, such as records about calls or other communications sent or received by a particular phone and other transactional records, in their normal course of business. In my training and experience, this information may constitute evidence of the crimes under investigation because the information can be used to identify the Target Telephone’s user or users and may assist in the identification of co-conspirators and/or victims.

AUTHORIZATION REQUEST

51. Based on the foregoing, I request that the Court issue the proposed search warrant, pursuant to 18 U.S.C. § 2703(c)(1)(A) and Federal Rule of Criminal Procedure 41.

52. I further request that the Court direct the Service Provider to disclose to the government any information described in Section I of Attachment B that is within its possession, custody, or control. Because the warrant will be served on the Service Provider, who will then compile the requested records at a time convenient to it, reasonable cause exists to permit the execution of the requested warrant at any time in the day or night.

Respectfully submitted,

FELIX OSORIO-RUIZ
Type text here

FELIX OSORIO-RUIZ
BUREAU OF ALCOHOL, TOBACCO,
FIREARMS & EXPLOSIVES

Subscribed and sworn to before me telephonically on December 19, 2022

Michelle Burns

MICHELLE H. BURNS
UNITED STATES MAGISTRATE JUDGE